IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

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WRIT PETITION NO : 18948 of 1995

Between:

1 Mala Chinna Sayanna S/o Rajanna
R/o Jamlam (V), Yedpalli (M),
Nizamabad Dist.
2 Mala Pedda Sayanna S/o Karrenna
R/o Jamlam (V), Yedpalli (M),
Nizamabad Dist.
3 Maskuri erra Sayanna S/o Sayanna
R/o Jamlam (V), Yedpalli (M),
Nizamabad Dist.
4 Mala Nadipi Sayanna S/o Karrenna
R/o Jamlam (V), Yedpalli (M),
Nizamabad Dist.
5 Mala Chinna Sayanna S/o Karrenna
R/o Jamlam (V), Yedpalli (M),
Nizamabad Dist.
6 Mala Narsamma W/o Karrenna
R/o Jamlam (V), Yedpalli (M),
Nizamabad Dist.
7 Venkamma W/o Abbanna
R/o Jamlam (V), Yedpalli (M),
Nizamabad Dist.
8 Sayamma W/o Maskuri Nadipi Abbanna
R/o Jamlam (V), Yedpalli (M),
Nizamabad Dist.
9 Maskuri Narsamma W/o Maskuri Chinna Sayanna
R/o Jamlam (V), Yedpalli (M),
Nizamabad Dist.
10 Palle Sayanna S/o Makkanna
R/o Jamlam (V), Yedpalli (M),
Nizamabad Dist.
11 Maskuri Abbaiah S/o Maskuri Chinna Sayanna

R/o Jamlam (V), Yedpalli (M),
Nizamabad Dist.

12 Naragoud S/o Malla Goud
R/o Jamlam (V), Yedpalli (M),
Nizamabad Dist.

..... PETITIONERS

AND

1 State of A.P. rep. by Secretary
Irrigation Dept., Secretariat, Hyderabad
2 The District Collector, Nizamabad
3 The Executive Engineer, ID, IB Division,
Nizamabad
4 The Mandal Revenue Officer, Yedpally,
Nizamabad Dist.
5 The Sub Collector cum Land Acquisition Officer
Bodhan, Nizamabad Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ or writs order or direction, declaring the action of the respondents in depriving the petitioners of their lands bearing Survey Nos.57/2, admeasuring (2) Acres (13) guntas, 59/2 admeasuring (2) Acres (4) guntas, 60/1, admeasuring (2) Acres (7) guntas, 61/1-A admeasuring (24) guntas, 61/2-A, admeasuring (6) guntas situated at Jamlam (V) Yedpally (M), Nizamabad Dist. otherwise than in due course of law, as ililegal, arbitrary and contrary to the provisions contained under Art. 300-A of constitution of India and to consequently direct the respondents to forthwith initiate proceedingsunder Land Acquisition Act and pay the compensation to the petitioners by passing the award, award costs;

Counsel for the Petitioners: MR.K.RAGHUVEER REDDY

Counsel for the Respondent Nos.1 to 5: GP FOR LAND ACQUISITION

The Court made the following:

ORDER:

This writ petition has been filed seeking a writ of Mandamus to declare the action of the respondents in depriving the petitioners of their respective lands in question as arbitrary and illegal and consequently direct the respondents to initiate proceedings under the Land Acquisition Act and pay compensation to the petitioners.

The basic facts of the matter shortly stated are as under:

The petitioners belong to Scheduled Caste community and they own small extents of lands in Survey Nos.57/2,59/2,60/1,61/1-A, 61/2-A situated at Jamlam village, Yedpally Mandal. The said lands were submerged in Yerrakunta tank and by that time they were informed by the respondents that compensation will be paid or some other lands equivalent to the value of lands submerged will be allotted to them. The District Collector *vide* his letter dated 20-08-1986 directed the District Development Officer to furnish the details, and he submitted his report in the year 1986. On 7-10-1986 the District Development Officer addressed a letter to the Executive Engineer for sanction of compensation. The Executive Engineer, in turn, vide his letter dated 8-2-1989 submitted proposals for sanction of compensation. The District Collector also called for a report from the Revenue Divisional Officer and he submitted the same by his letter dated 6-11-1990. On 23-12-1993 the petitioners issued a legal notice to the respondents for payment of compensation. The 3rd respondent through his letter dated 12-1-1994 informed that a report has been submitted to the Collector,

Nizamabad and the same is pending consideration. So far, no action has been taken by the respondents for payment of compensation. Hence the writ petition.

Learned counsel appearing on behalf of the petitioners contends that without following the due procedure under the Land Acquisition Act, the respondents have acquired the lands of the petitioners for submersion. He further contends that the Revenue Divisional Officer, Bodhan *vide* his letter dated 6-11-90 recommended the case of the petitioners to the Collector for compensation. Subsequently on 31-5-1993, the District Collector, Nizamabad addressed a letter to the Executive Engineer for payment of compensation. But no action has been initiated by the respondents so far, in this regard.

It is apparent on the face of the record that the petitioners made several attempts in getting compensation from the respondents and they have waited for a considerable length of time. But the respondents did not take any action in that regard.

In that view of the matter, it would suffice, if a direction is issued to the respondents, to consider the case of the petitioners for payment of compensation, in accordance with law, on or before 31st March, 2005.

Subject to the above direction, the writ petition is disposed of. No costs.

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18-11-2004

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To

1 The Secretary, State of A.P.
Irrigation Dept., Secretariat, Hyderabad
2 The District Collector, Nizamabad
3 The Executive Engineer, ID, IB Division,
Nizamabad
4 The Mandal Revenue Officer, Yedpally,
Nizamabad Dist.
5 The Sub Collector cum Land Acquisition Officer
Bodhan, Nizamabad Dist.

6 Two CCs to GP for Land Acquisition, High Court

buildings,Hyderabad (OUT)

7 Two CD copies.